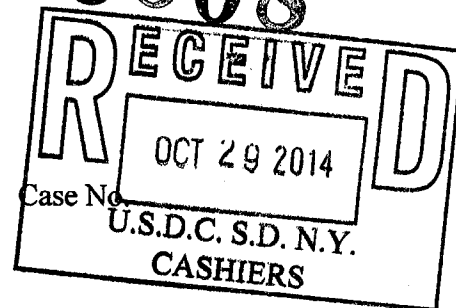


JUDGE CARTER

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8608



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOHANNA PALMER,

Plaintiff,

-against-

FOREVER 21, INC., and FOREVER 21 RETAIL, INC.,

Defendants.
-----X

**COMPLAINT AND
DEMAND FOR
JURY TRIAL**

Plaintiff, by her attorneys, VLOCK & ASSOCIATES, P.C., complains against the Defendants as follows:

THE PARTIES

1. Plaintiff, JOHANNA PALMER, is an individual residing at 3010 Shelly Place, Pocatello, Idaho 83201.

2. Upon information and belief, Defendant, FOREVER 21, INC., is a Delaware corporation, with its principal place of business and executive offices at 2001 S. Alameda Street, Los Angeles, California 90058, which is doing business throughout the State of New York through its retail stores and website, forever21.com, with multiple retail store locations in this District.

3. Upon information and belief, Defendant, FOREVER 21 RETAIL, INC., is a California Corporation, with its principal place of business and executive offices at 2001 S.

Alameda Street, Los Angeles, California 90058, which is doing business throughout the State of New York through its retail stores and website, forever21.com, with multiple retail store locations in this District.

4. Defendants, FOREVER 21, INC., and FOREVER 21 RETAIL, INC., are collectively referred herein as "Forever 21" or "Defendants."

JURISDICTION AND VENUE

5. Jurisdiction over the subject matter of this action is properly in this Court pursuant to 28 U.S.C. § 1332, based upon diversity of citizenship of the parties. The amount in controversy herein exceeds the sum of \$75,000.00.

6. Venue is pursuant to 28 U.S.C. § 1391, as the cause of action arose in the Southern District of New York.

CAUSE OF ACTION

7. At all times relevant to this action, Plaintiff, JOHANNA PALMER, was an invitee and/or customer of Defendants.

8. At all times relevant to this action, Defendants are the owners and operators of retail clothing stores known as Forever 21.

9. At all times relevant to this action, Defendants owed a duty of care to Plaintiff.

10. On or about June 2, 2012, at approximately 1:00 p.m., Plaintiff walked carefully inside through the entrance of the Forever 21 retail store owned and operated by Defendants located at 1540 Broadway, New York, New York 10036.

11. At the above-stated time, there was a dangerous and hazardous condition on the floor of the Defendants' retail store near the entrance and Plaintiff was caused to slip and fall due to the negligence of the Defendants.

12. The dangerous and hazardous condition included, but was not limited to, an extremely dangerous wet, uncovered and unmarked tile floor.

13. Defendants were on notice, were aware of or should have known about, the dangerous and hazardous condition, which existed for a significant time prior to the time of Plaintiff's injury.

14. In addition to ample notice, Defendants had more than enough time and opportunity to correct and/or warn invitees such as Plaintiff regarding the dangerous and hazardous condition that existed in the stated time and place.

15. Defendants failed to note the hazardous condition with any type of warning or sign despite the fact that it had been raining for a significant time prior to the accident.

16. Solely by reason of the aforesaid negligence by Defendants, Plaintiff was caused to slip and fall inside the retail store owned and operated by the Defendants.

17. As a direct result of the negligence by Defendants causing the above-stated accident, Plaintiff was caused to suffer serious and permanent physical injuries to her head, neck,

shoulders, back, hips, arms and legs, including significant decreased range of motion and immense pain.

18. Furthermore, solely by reason of the aforesaid, Plaintiff became sick, sore, lame and disabled, suffered, still suffers and will continue to suffer for some time to come, great mental and physical pain, mental anguish and bodily injuries. Plaintiff has been informed and verily believes that the future pain and suffering will exist and will be permanent with permanent pain, discomfort, inconvenience and other symptoms, signs and effects.

19. Solely by reason of the aforesaid negligence by Defendants, Plaintiff was obliged to undergo extensive medical care and treatment and will be obliged to undergo further medical care and treatment for some time to come.

20. Solely by the reason of the aforesaid negligence by Defendants, Plaintiff was unable attend to Plaintiff's usual duties for some time, upon information and belief, Plaintiff will be unable to do so or be limited from doing so permanently or for some significant time in the future.

21. Moreover, the injuries caused by Defendants' negligence caused Plaintiff to be unable to work for a significant time after the accident.

22. As a result of Defendants' negligence causing Plaintiff's injuries, Plaintiff has been forced to undergo lengthy, costly and significant medical treatment with doctors, chiropractors and pain management specialists.

23. Accordingly, Plaintiff is entitled to past/future pain and suffering in an amount to be determined at trial, but believed to be in excess of One Million Dollars (\$1,000,000.00). Furthermore, Plaintiff is entitled to damages for past/future medical treatment in an amount to be determined at trial, but believed to be in excess of Five Hundred Thousand Dollars (\$500,000.00).

DEMAND FOR RELIEF

Plaintiff demands judgment against Defendants as follows:

- a. In the sum of ONE MILLION DOLLARS (\$1,000,000.00) for past/future pain and suffering, as well as FIVE HUNDRED THOUSAND DOLLARS (\$500,00.00) for damages for past/future medical treatments, and
- b. For such other and further relief as the Court deems just and proper under the circumstances, together with interest, and the costs and disbursements of this action.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

Dated: New York, New York
October 23, 2014

VLOCK & ASSOCIATES, P.C.
Attorneys for Plaintiff
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New York, New York 10017
(212) 557-0020

By: 
Steven Giordano, Esq. (SG 8328)

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SOUTHERN DISTRICT OF NEW YORK
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COMPLAINT

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